

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE APACHE CORP. SECURITIES
LITIGATION

Case No. 4:21-cv-00575

District Judge George C. Hanks, Jr.

Magistrate Judge Andrew M. Edison

CLASS ACTION

**LEAD PLAINTIFFS' NOTICE OF CORRECTED FILING TO INCLUDE CERTAIN
EXHIBITS REFERENCED IN THE DECEMBER 6, 2023 EVIDENTIARY HEARING
DIRECT TESTIMONY OF ZACHARY NYE, Ph.D.**

Lead Plaintiffs, Plymouth County Retirement Association and the Trustees of the Teamsters Union No. 142 Pension Fund (together, "Plaintiffs"), respectfully supplement the record by filing as Exhibits to the Direct Testimony of Zachary Nye, Ph.D., dated November 29, 2023 (the "Nye Testimony") (Dkt. Nos. 143-44), certain documents that Dr. Nye references in the August 11, 2023 Expert Reply Report of Zachary Nye, Ph.D. (the "Nye Reply Report") (Dkt. 121-2), which Dr. Nye again references in the Nye Testimony.

Plaintiffs inadvertently did not include the Exhibits attached hereto with their November 29, 2023 submissions. Each of the Exhibits attached hereto, however, is a publicly-available document that was cited in the August 11, 2023 Nye Reply Report. Additionally, all but two of the Exhibits attached hereto were produced to counsel for the Defendants before they made their Surreply submissions on September 8, 2023 (Dkt. No. 126), and deposed Dr. Nye on November 8, 2023. Accordingly, including the Exhibits attached hereto for completeness will not prejudice Defendants.

For reference: (i) Exhibits NYE-DT 29 through NYE-DT 49 are cited and discussed in paragraph 13 of the Nye Reply Report and are cited in the exhibit submitted on November 29, 2023 as NYE-DT 6; (ii) Exhibits NYE-DT 50 and NYE-DT 51 are cited and discussed in paragraph 39 of the Nye Reply Report and cited in the exhibit submitted on November 29, 2023 as NYE-DT 9; (iii) Exhibits NYE-DT 52 and NYE-DT 53 were previously filed on the public docket in this action; (iv) Exhibits NYE-DT 54 through NYE-DT 58 are cited and discussed in paragraphs 25-28 of the Nye Reply Report; (v) Exhibit NYE-DT 59 was submitted under seal as Exhibit PX 6 with Plaintiffs' August 11, 2023 Class Certification Reply Submissions;¹ and (vi) Exhibits NYE-DT- 61 and NYE-DT 62 are copies of academic literature discussed and cited in Section XI of the Nye Reply Report.

Dated: December 4, 2023

Respectfully submitted,

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¹ On August 17, 2023, Defendants filed a Notice of Non-Opposition to Unsealing with respect to this document and two others. Dkt. 123.

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CERTIFICATE OF SERVICE

I certify that on December 4, 2023, I caused a true and correct copy of the foregoing to be electrically filed with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

s/ Thomas R. Ajamie

Thomas R. Ajamie